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| 09/744,611 | 01/26/2001 | Keisei Yamamuro | FUR0010-PCT | 1619 |
| 7590 08/26/2004 | | | EXAMINER | |
| Brett C Martin 1650 Tysons Boulevard McLean, VA 22102 | | | SHANNON, MICHAEL R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2614 | |

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/744,611

Applicant(s)

YAMAMURO ET AL.

Examiner

Michael R Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 21, 22, and 23 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. Figure 21 is objected to based on the following minor informality: The title of the figure states "in the cast", this should be corrected to read, "in the case".

Specification

3. The disclosure is objected to because of the following informalities:

It is not understood as to what is meant by "armos" as states on page 3, line 3.

Page 9, lines 10-19 direct attention to multiple reference numbers, however, no figure is referenced. Please make reference to the figure number and reference number when directing attention to a specific part in the drawings.

Page 35, line 13, and page 36, line 25 make reference to "memory 417", this should be corrected to read "memory 411".

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Page 36, line 15 makes reference to "0x01 message ID", this should be corrected to read "0x10 message ID".

Page 49, line 6 makes reference to "<bevent>-</bevent>", this should be corrected to read "<event>-</event>".

Appropriate correction is required.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "System and Method of broadcasting emergency or commercial information for display based upon pre-determined output form templates."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Beyers et al (U.S. Pat. No. 5,381,477), cited by examiner.

Regarding claim 13, the reconstruction program is met as follows: A microprocessor and an on-screen display control controls the reconstruction of main contents and sub contents. Column 13, lines 49-54 teach a system that uses a "transaction code" (column 9, lines 30-41) to identify and display character codes and layout information. The claimed reconstruction program is met by the operation of the

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microprocessor. The claimed program ability to determine an output form of sub contents data in accordance with a predetermined output form for an output form ID is met by the layouts stored in the ROM and accessed via the "transaction code". The claimed program ability to determine output contents of the sub contents data in accordance with output contents data in the sub contents data is met by the message being displayed appropriately in the aforementioned layout.

Regarding claim 14, the claimed data structure is met as follows: The claimed output form description portion that describes the output form is met by the ROM that stores the layout of the on-screen message alert (column 13, lines 49-54). The claimed output form ID description portion that describes an output form ID corresponding to the output form described in the output form description portion is met by the microprocessors ability to enable to "message definition transaction" to instruct and supply the appropriate layout information to the on-screen control. It is inherent in the term "instruct" that a look-up is being done in the microprocessor from the message definition transaction to arrive at the layout information.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyers et al (U.S. Pat. No. 5,381,477), cited by examiner, in view of Eda et al (U.S. Pat. No. 5,760,820), cited by examiner.

To serve as a brief overview, Beyers discloses a system for providing individualized messages, want ads, public service announcements and such to individuals or groups of individuals. He teaches the use of pre-determined templates that may be stored locally and utilized for various types of messages. Eda discloses a system for the delivery of emergency information through the use of multiplexed video, audio, and emergency information signals making up the transport stream.

Regarding claim 1, the Beyers reference discloses the following within the transmission device: The output form ID that indicates an output form of the sub contents, as claimed, is met by the "message definition transaction," and the "transaction code" (column 9, lines 30-41) which "instructs the microprocessor to supply the appropriate character codes and layout information to on-screen display control" (column 13, lines 49-54). The output contents data that indicate an output contents, as claimed, is met by the "message data", which is addressed to subscriber terminals (column 9, lines 23-29). The Beyers reference further discloses the following within the reception device: The reconstruction portion for controlling reconstruction of main contents and sub contents in accordance with the received transport stream, as claimed, is met by the "three modes of on-screen display" (column 11, lines 32-51), which utilize the received transport stream and control the display of data on the screen based on the received "message definition transaction code". "Determining the output

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form of the sub contents data in accordance with the output form that is predetermined for the output form ID in the received sub contents data, and determining the output contents of the sub contents data in accordance with the output contents data in the received sub contents data, so as to perform the reconstruction control of the sub contents data”, as claimed, is met by the “three modes of on-screen display” (column 11, lines 32-51), wherein Beyers discusses the different ways to display the received main contents and sub contents, and the “message definition transaction”, which tells the microprocessor to supply the appropriate character codes and layout information to the on-screen display control (column 13, lines 49-54). The Beyers reference does not disclose the following within the transmission device: A multiplex portion for multiplexing at least main contents data and sub contents data so as to generate a transport stream. A transmission portion for transmitting the transport stream generated by the multiplex portion, and the multiplex portion generating the sub contents data including the output form ID and the actual data (as discussed above). The Beyers reference further does not disclose a reception portion for receiving the transport stream transmitted by the transmission device. The Eda reference discloses a multiplexer for multiplexing main contents (digital video and audio signals) and sub contents (digital information signal of text) and a transmitter for transmitting the multiplexed information to the subscribers (column 7, lines 11-44). Also, the Eda reference discloses that the multiplexer portion generates the sub contents data (digital information signal of text) using the information stream generator 107 (column 7, lines 11-44). Finally, Eda discloses a receiver which utilizes a bit stream input terminal 201, a decoder 203, a

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demultiplexer 202, and a discriminator 204 for receiving the transport stream transmitted by the transmission device (column 8, line 65 – column 9, line 7). At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the intricate details of transmission and reception using a multiplexed system, as taught by Eda, into the system of Beyers, in order to allow for a simple way to transmit emergency information or commercials while still only using a single transport stream, therefore, making the process more stream-lined and straight-forward.

Regarding claim 2, see the above rejection for the transmission device of claim 1.

Regarding claim 3, see the above rejection for the reception device of claim 1.

Regarding claim 4, Beyers and Eda teach all that is discussed above with regards to claim 1. Beyers further teaches a ROM at the receiving device, which stores layout and character code information and is matched to a “transaction code” broadcast by the transmission device (column 13, lines 49-54). This teaching meets the claimed recorded output form table describing the output form ID and the output form corresponding thereto.

Regarding claim 5, Beyers and Eda teach all that is discussed above with regards to claim 1. Beyers further teaches a display RAM that works with the display in order to determine what appears at each of the screen positions (column 11, lines 29-31). This teaching meets the claimed ability of the output form to include a display position of the sub contents.

Regarding claim 6, Beyers and Eda teach all that is discussed above with regards to claim 1. Beyers does not teach the ability for the output form to include

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information about whether the sub contents are outputted or not. Eda teaches a priority ranking of "ON/OFF" which indicates whether the text of the information stream (sub contents) is displayed or not (column 11, lines 11-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ability to turn on and off text into the template/form idea of Beyers in order to allow for the text appearance to be controlled based on the output form. As Beyers suggests, "variations of these screen layouts are possible, and the particular features may be varied to suit a particular user type" (column 14, lines 17-23).

Regarding claim 7, Beyers and Eda teach all that is discussed above with regards to claim 1. Beyers further teaches an output duration (or time) that an incoming alert is displayed on the screen (column 13, lines 42-44). This teaching meets the claimed ability for the output form to include at least an output time of the sub contents.

Regarding claim 8, Beyers and Eda teach all that is discussed above with regards to claim 1. Beyers further teaches variations in the screen layout, such as options, color selection, shapes, order of presentation, etc. (column 14, lines 17-23). This teaching meets the claimed ability for the output form to include at least an output condition of the sub contents.

Regarding claim 9, Beyers and Eda teach all that is discussed above with regards to claim 1. Beyers further teaches that the "message definition may include on screen alert data which instructs the microprocessor to generate an on-screen message alert on associated television receiver. If such data is included in the message definition transaction, an on-screen message alert may overlay the video until a key on

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keyboard of subscriber terminal or remote control is pressed" (column 13, lines 28-35).

This teaching meets the claimed ability for the reception device to determine the output form of the sub contents in accordance with a predetermined output form when the output form ID is not a predetermined one. In other words, Beyers' alert must take the form of a pre-determined on screen display which is transmitted to the receiver in the form of "on screen alert data." The default template, which is stored at the time of transmission, is thus used as the on-screen output form.

Regarding claim 10, Beyers and Eda teach all that is discussed above with regards to claim 1. Beyers further teaches that the messages can be in the form of public service announcements or want ads (column 2, lines 43-47). This teaching meets the claimed fact that sub contents can be commercials.

Regarding claim 11, Beyers and Eda teach all that is discussed above with regards to claims 1-9. Beyers does not teach the fact that sub contents can be emergency information. Eda teaches a system for displaying emergency information (column 7, lines 11-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to use emergency information in place of the "public service announcements" (as taught by Beyers) in order to allow for important emergency information to be sent to subscribers and displayed in a pre-formatted output form.

Regarding claim 12, Beyers teaches transmission of a "transaction code", which meets the claimed output form ID and indicates an output form layout, and a "message", which meets the claimed output contents (column 9, lines 23-41). Beyers also teaches the transmission of a program (or main contents). However, Beyers does not teach that

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the main contents and the sub contents (output form ID and output contents) are multiplexed. Eda teaches multiplexing video and audio streams (main contents), and information streams (sub contents) (column 7, lines 12-26). At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the intricate details of transmission and reception using a multiplexed system, as taught by Eda, into the system of Beyers, in order to allow for a simple way to transmit emergency information or commercials while still only using a single transport stream, therefore, making the process more stream-lined and straight-forward.

Regarding claim 15, the broadcasting method in a broadcast system is met as follows: Beyers teaches a "transaction code" which indicates layout information stored in the receiving devices RAM (column 13, lines 49-54). The "transaction code" meets the claimed output form ID. Beyers also teaches a "message" that is displayed to the user and organized with respect to the layout information. The "message" meets the claimed output contents (column 9, lines 23-41). Beyers further teaches the reconstruction control of the sub contents by using the combination of the "transaction code" and the "message" in order to get layout information from the RAM using the transaction code and insert the "message" according to the layout information. The step of "determining the output form of the sub contents data in accordance with the output form that is predetermined for the output form ID in the received sub contents data, and determining the output contents of the sub contents data in accordance with the output contents data in the received sub contents data, so as to perform the reconstruction control of the sub contents data" is met by the aforementioned use of the "transaction

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code” and the “message” which make up the sub contents data and the microprocessor to control the reconstruction of the sub contents on the display (column 13, lines 49-54). The step of controlling the reconstruction of the main contents in accordance with the received transport stream is met by the “three modes of on-screen display” (column 11, lines 32-51), wherein Beyers discusses the control of the video and overlay information. Beyers does not disclose how the sub contents is generated, transmitted, or received. Eda discloses a step of generating the information signal (sub contents) and multiplexing the sub contents with the main contents (digital video signal) for transmission and delivery to the receiver (column 7, lines 11-44). The step of generating the sub contents data is met by the information stream generator 107. The step of generating a transport stream by multiplexing main contents data and sub contents data is met by the multiplexer 110. The step of transmitting the generated transport stream is met by the means for transmission referenced on column 7, lines 41-42. The step of receiving the transport stream transmitted by the transmission device is met by the means for receiving references on column 7, lines 41-43. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the multiplexed transmission scheme of Eda to send the main contents and sub contents data of Beyers, in order to allow for a simple way to transmit information while still only using a single transport stream, therefore, making the process more stream-lined and straight-forward.

Regarding claim 16, see the above rejection to claim 15.

Regarding claim 17, see the above rejection to claim 15.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seth-Smith et al (U.S. Pat. No. 4,829,569) discloses a system for addressing messages to individual users. The messages are displayed using templates, which are pre-stored and used in response to decoder and user input.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Shannon whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 7:30-5:00, alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
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Michael R. Shannon
August 23, 2004



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